

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

|                           |   |                 |
|---------------------------|---|-----------------|
| -----                     | x |                 |
| UNITED STATES OF AMERICA, | : |                 |
|                           | : | 19-cr-354 (JSR) |
| -v-                       | : |                 |
|                           | : |                 |
| CHRISTIAN NIEVES,         | : | <u>ORDER</u>    |
| a/k/a "Eric Rosario" and  | : |                 |
|                           | : |                 |
| ELIAS POLANCO,            | : |                 |
|                           | : |                 |
| Defendants.               | : |                 |
| -----                     | x |                 |

JED S. RAKOFF, U.S.D.J.

This will confirm in writing the orders issued during a joint telephone conference earlier today. The defense is hereby granted leave to file a challenge to the composition of the jury in accordance with the Jury Selection and Service Act, 28 U.S.C. § 1867(a). As requested by defense counsel, moving papers are not due until April 9, 2021 and answering papers are due April 13, 2021. The Court will decide the motion no later than the morning of the start of trial on April 14, 2021.

Relatedly, the defense's motion to adjourn the trial because of the coronavirus pandemic is denied for substantially the reasons set forth in the Court's prior opinion addressing the same issue,

which opinion is adopted here by reference. See United States v. Petit, --- F. Supp. 3d. ---, 2020 WL 6157891 (S.D.N.Y. 2020).<sup>1</sup>

The Clerk of the Court is directed to close the entry at docket number 56.

SO ORDERED.

Dated: New York, NY  
March 15, 2021

  
JED S. RAKOFF, U.S.D.J.

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<sup>1</sup> The Court reserves judgment on the alternative request of defendant Christian Nieves to be released on bail under home incarceration pursuant to 18 U.S.C. § 3142(i).